

## **CHAPTER 11-19.1 MEDICAL COUNTY CORONER**

**11-19.1-01. Definitions.** The following words and phrases when used in this chapter have the meanings ascribed to them in this section except in those instances when the context clearly indicates a different meaning:

1. "Autopsy" means the dissection of a dead body for the purpose of inquiring into the cause of death.
2. "Casualty" means death arising from accidental or unusual means.
3. "City" means a city organized under the laws of this state.
4. "Physician" includes physicians and surgeons licensed under the provisions of chapter 43-17, as amended.
5. "Suspicious circumstances" means the existence of one or more of the following factors:
  - a. Self-inflicted injury;
  - b. Firearm injury;
  - c. Severe, unexplained injury;
  - d. Pedestrian driveway injury;
  - e. An injury to a child which is not witnessed by the individual responsible for the child at the time the injury occurred;
  - f. Inadequate supervision;
  - g. Malnutrition or delay in seeking medical care;
  - h. Confinement;
  - i. Bathtub or bucket drowning;
  - j. Suffocation or strangulation;
  - k. Poisoning;
  - l. Prior child abuse or neglect assessment concerns;
  - m. Open child protection service case on the victim;
  - n. Victim is in the custody of the department of human services, county social services, or the division of juvenile services;
  - o. Unexplained death or death in an undetermined manner;
  - p. Suspected sexual assault; or
  - q. Any other suspicious factor.

**11-19.1-02. County coroner.** Each organized county, unless it has adopted one of the optional forms of county government provided by this code, shall have the office of county

coroner which said office shall be held by an officer chosen in the manner prescribed in this chapter.

**11-19.1-03. Appointment of coroner, term, assistant.** The coroner shall be appointed by the board of county commissioners for a term of two years. If such office shall become vacant by death, resignation, expiration of the term of office, or otherwise, or when the coroner becomes permanently unable to perform the duties of office, the county commissioners shall appoint a person with the qualifications as hereinafter set forth to fill such vacancy, who shall give and take the oath of office as prescribed for coroners. If the duly appointed, qualified, and acting coroner is absent temporarily from the county, or when on duty with the armed services of the United States, or the state militia, or with the American red cross, or when unable to discharge the duties of office for any other reason, such coroner may appoint a person with the qualifications of coroner to act in the coroner's absence, service, or disability, upon taking the prescribed oath for coroners.

**11-19.1-04. Eligibility for office.** No person shall be eligible for the office of county coroner except a physician who has been duly licensed to practice as such in this state and who is in good standing in the profession.

**11-19.1-05. Appointment of assistant.** The coroner may appoint in writing an assistant coroner or coroners who shall be licensed physicians of good standing in their profession or forensic dentists, who shall assist in doing autopsies and making pathological and chemical examinations, and performing the other duties required and directed by the county coroner or recommended by the state's attorney.

**11-19.1-06. Persons authorized to act where no resident physician.** In such counties in which no physician is residing or available, the duties of coroner as herein provided must be performed by the sheriff, the state highway patrol, or any special agent of the bureau of criminal investigation. The sheriff, the state highway patrol, or special agent shall call upon the nearest physician coroner or deputy coroner from an adjacent county to investigate the medical cause of death of all coroner cases within said county. Where, because of distance or adverse conditions, a physician coroner is not available, the sheriff, the state highway patrol, or special agent shall have the state forensic examiner or the forensic examiner's designee called in to investigate and certify as to the medical cause of death.

**11-19.1-07. Death to be reported to coroner by physician or persons discovering body - Penalty - Notice to state health officer - Right to autopsy.**

1. Any person who discovers the dead body, or acquires the first knowledge of the death of any person, and any physician with knowledge that a person died as a result of criminal or violent means, casualty, suicide, accidental death, or died suddenly when in apparent good health in a suspicious or unusual manner, shall immediately notify the office of coroner or any law enforcement officer of the known facts concerning the time, place, manner, and circumstances of such death, and any other information which may be required pursuant to this chapter. Any person who violates the provisions of this section shall be guilty of a class B misdemeanor.
2. Any person who discovers the dead body of, or acquires the first knowledge of the death of, any minor who has received or is eligible to receive a certificate of live birth, when the minor died suddenly when in apparent good health, shall immediately notify law enforcement and the office of coroner of the known facts concerning the time, place, manner, and circumstances of the death. The coroner shall take custody of the body and immediately notify the state's attorney of the county in which the body was discovered. Within twenty-four hours of the notice of a death that occurs under suspicious circumstances, the state's attorney shall consult with a law enforcement agency and the state department of health. The law enforcement agency shall investigate the death and notify the state's attorney of the findings. The coroner shall notify the state health officer of each such death, and shall provide the state health officer the information concerning the death as the

state health officer shall require. The coroner or the coroner's medical deputy shall notify the parent or guardian of a child under the age of one year of the right to the performance of an autopsy, at state expense, as provided by this chapter.

**11-19.1-07.1. Willful disturbance of dead body - Penalty.** Any person who:

1. Willfully removes or otherwise disturbs a body which the actor knows died in a suspicious or unusual manner; or
2. Willfully rearranges, removes, or otherwise disturbs the clothing or other articles on or near a body which the actor knows died in a suspicious or unusual manner,

without authorization of a coroner or law enforcement officer is guilty of a class A misdemeanor.

**11-19.1-08. Records of coroner's office.** It is the duty of the coroner to keep a full and complete record and to fill in the cause of death upon the death certificate in all cases coming under the coroner's jurisdiction. All records must be kept in the office of the coroner, if the coroner maintains an office as coroner, and if the coroner maintains no separate office, then in the office of the recorder of the county, unless the board of county commissioners designates a different official, and must be properly indexed, stating the name, if known, of every deceased person, the place where the body was found, date of death, cause of death, and all other available information required by this chapter. The report of the coroner and the detailed findings of the autopsy, if one was performed, must be attached to the report of every case. The coroner shall promptly deliver or cause to be delivered to the state's attorney of the county in which a death occurred copies of all necessary records relating to every death in which the coroner or state's attorney determines further investigation advisable. The sheriff of the county, the police of the city, or the state highway patrolmen on duty in that county in which the death occurred may be requested to furnish more information or make further investigation by the coroner or the coroner's deputy. The state's attorney may obtain from the office of the coroner copies of records and other information necessary for further investigation. All records of the coroner shall become and remain the property of the county and are public records.

**11-19.1-09. State's attorney may subpoena witnesses.** Repealed by S.L. 1973, ch. 92, § 2.

**11-19.1-10. Dead bodies to be held pending investigation.** All dead bodies in the custody of the coroner shall be held until such time as the coroner after consultation with the state's attorney, the police department of the city, the state highway patrolmen on duty in that county, or the sheriff has reached a decision that it is not necessary to hold the dead body longer to enable the coroner to decide on a diagnosis, giving a reasonable and true cause of death, or that the dead body is no longer necessary to assist any one of the above-named officials in their duties, but no dead body shall be held longer than twelve hours from the time the coroner was notified without embalming.

**11-19.1-11. Coroner may perform autopsy - Notice of results.** The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the dead body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff and state's attorney may direct an autopsy be performed. Upon the death of a child whose cause of death is suspected by the child's parent or guardian or the coroner or the coroner's medical deputy to have been the sudden infant death syndrome, the coroner or the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the dead body and shall arrange for the performance of the autopsy by a qualified pathologist, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer shall be promptly notified of the results of that autopsy.

**11-19.1-12. Coroner may order removal of body.** Where the county does not provide a morgue or morgue facilities for the use of the coroner, the coroner may use existing hospital facilities. When post mortem is completed at county morgue facilities or existing hospital

facilities, the coroner after getting expressed order of the person lawfully entitled to the custody of the deceased person's remains as to the funeral home of the person's choice, shall order the remains released to such funeral home, or the coroner after getting the expressed order of the person lawfully entitled to the custody of the deceased person's remains, as to the funeral home of the person's choice, may order the remains removed to such funeral home and the necessary post mortem conducted there.

**11-19.1-13. Cause of death - Determination.** The cause of death, the manner of death, and the mode in which the death occurred, as delivered by the coroner and incorporated in the coroner's verdict, must be incorporated in the death certificate filed with the registrar of vital statistics of this state. The term "sudden infant death syndrome" may be entered on the death certificate as the principal cause of death only if the child is under the age of one year and the death remains unexplained after a case investigation that includes a complete autopsy of the infant at the state's expense, examination of the death scene, and a review of the clinical history of the infant.

**11-19.1-14. Disinterment of dead bodies.** Whenever in the opinion of the state's attorney and either the sheriff or coroner it is deemed necessary, the state's attorney or coroner shall have authority to order the disinterment of any dead body within their county and to authorize the removal of such body under the supervision of the coroner for purpose of examination and autopsy.

**11-19.1-15. Notice of next of kin, disposition of personal belongings - Disposition of body when next of kin cannot be found.** The coroner of the county where a death is discovered shall take charge of the case and notify relatives or friends of the deceased person, if known, as soon as possible by telephone, telegram, or otherwise, giving details of the death and disposition of the deceased person. If the relatives or friends of the deceased are unknown, the coroner shall dispose of the personal effects and body in the following manner:

1. After using such clothing as may be necessary in the burial of the body, the remaining personal effects of the deceased shall be turned over to the public administrator for disposition of such personal property in accordance with the laws, regulations, and policies governing the office of the public administrator.
2. The remains shall be:
  - a. Disposed of in accordance with the provisions of section 23-06-14; or
  - b. Buried in accordance with the laws governing the burial of indigent persons within this state.

**11-19.1-16. Coroner's fees paid out of county treasury - Fees to be charged by coroner - Duty of county auditor - Certain expenses paid by the state.**

1. The fees and mileage as provided by section 11-10-15 allowed to the coroner shall be paid out of the county treasury of the county of residence of the deceased person and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners.
2. The state department of health shall audit, and if found correct, certify for payment by the state treasurer duly itemized and verified claims of the coroner, the coroner's medical deputy, and pathologist for the necessary expenses incurred or paid in the performance of an autopsy of a child whose cause of death was suspected to have been the sudden infant death syndrome.

**11-19.1-17. Application.** This chapter applies to every county in this state having a population of eight thousand or more, and chapter 11-19 and section 11-10-02 are not applicable to such counties. This chapter does not apply to counties having a population of less than eight thousand and such counties are governed by chapter 11-19 and section 11-10-02, except that

coroners shall be appointed in these counties according to section 11-19.1-03, these counties shall pay coroner's fees to other counties under subsection 1 of section 11-19.1-16, and these counties are subject to sections 11-19.1-18 through 11-19.1-20.

**11-19.1-18. State forensic examiner - Authority.** Whenever requested to do so by the local coroner, acting coroner, or the local state's attorney, the state forensic examiner shall assume jurisdiction over a dead body for purposes of investigating the cause of death. The state forensic examiner may exercise all powers and authority bestowed upon the office of the coroner. The cost of performing an autopsy, investigation, or inquiry remains with the county, except for an autopsy, investigation, or inquiry resulting from the death of a patient or resident of the state hospital or any other state residential facility or an inmate of a state penal institution.

**11-19.1-19. State forensic examiner - Required reports.** The coroner or any person acting as coroner shall report to the state forensic examiner every death that occurs:

1. As a result of violence or casualty;
2. Suddenly when in apparent good health;
3. In a suspicious or unusual manner; or
4. Involving a patient or resident of the state hospital or any other state residential facility or an inmate of a state, county, or city penal institution.

**11-19.1-20. State forensic examiner - Required consultation.** The coroner or any person acting as a coroner shall actively consult with the state forensic examiner in every death involving an inmate of a state, county, or city penal institution; death involving a child under the age of one when in apparent good health; and death that the coroner or acting coroner believes may have resulted from a suicide, homicide, or as a result of child abuse or neglect.